

Appln. No. 10/690,129

Attorney Docket No. 10541-1877

III. Remarks

Paragraph [0014] is being amended to correct a grammatical error. Claims 1-9 stand rejected. Claims 1, 3, and 5 are being amended. Claims 2, 4, 6, and 7 are being canceled.

Claim 1, as amended, requires a flexible cover positioned over a bottom edge of an opening in a fixed window in a removable manner. The cover has a first end and a second end. The first end is attached to a lower portion of the fixed window with an attachment, and the cover is able to pivot about the attachment to drape over the bottom edge or to hang away from the opening. The second end and the fixed window are provided with attachment mechanisms to attach the second end to the fixed window in a removable manner. Both the first end and the second end extend across the width of the cover substantially parallel to the bottom edge of the opening.

Accordingly, after entering the above amendments, claims 1, 3, 5, 8, and 9 remain pending. Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,758,043 to Reynaldos (Reynaldos) in view of U.S. Patent Application Publication No. 2003/0213179 to Galer (Galer), or over Galer in view of Reynaldos. Claims 8 and 9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Reynaldos and Galer in view of U.S. Patent No. 5,791,538 to Bain (Bain).

-5-



BRINKS HOFER GILSON & LIONÉ
PO Box 10395
Atlanta, GA 30308

Appln. No. 10/690,129

Attorney Docket No. 10541-1877

Reynaldos discusses a cover (10) with an external section (14) that includes a magnetic member (60) for attaching the cover (10) to the outside of a car door. The cover (10) also includes a pair of legs (22) and (24) with respective attachment pads (25) and (27) to affix the cover (10) to the interior of the car door. When the cover (10) is in place, the legs (22) and (24) extend downward to provide a clearance for a window lever (L). As such, both ends of Reynaldos' cover (10) do not extend across the width of the cover substantially parallel to the bottom edge of a window opening as required by amended claim 1. Rather, Reynaldos teaches away from Applicants' window opening cover.

Regarding Galer, that reference discusses a fixed window pane with an opening and a sliding window pane that slides relative to the fixed pane to open and close the opening. Hence, Galer does not cure the deficiencies of Reynaldos.

Accordingly, the combination of Galer and Reynaldos neither teaches nor suggests Applicants' cover with a first end and a second end that both extend across the width of the cover substantially parallel to a bottom edge of a window opening, and, hence, does not render amended claim 1 as obvious. Therefore, the rejection under § 103 is therefore improper and should be withdrawn.

As for Bain, that reference merely discusses a pad of frictional material to provide support for moving a windshield.

Therefore, since claims 3, 5, 8 and 9 depend from claim 1 and Bain does not overcome the deficiencies of claim 1, the reasons for allowance of claim 1 apply as well to the dependent claims.

Appln. No. 10/690,129

Attorney Docket No. 10541-1877

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims (claims 1, 3, 5, 8, and 9) are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted,

May 9, 2005
Date


John M. Card (Reg. No. 48 423)